

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**RED BARN MOTORS, INC.,  
DONALD B. RICHARDSON, AND  
BARBARA A. RICHARDSON,**

**Plaintiffs,**

**v.**

**NEXTGEAR CAPITAL, INC.,  
as successor-in-interest to  
DEALER SERVICES CORPORATION,  
and LOUISIANA'S FIRST CHOICE  
AUTO AUCTION, L.L.C.,**

**Defendants.**

**CIVIL**

**ACTION NO. : 1:14-cv-01589-TWP-DKL**

**PLAINTIFF'S PRELIMINARY WITNESS AND EXHIBIT LIST**

Now into Court, through undersigned counsel, comes Plaintiff, Red Barn Motors, Inc., who, pursuant to Amended Case Management Plan, hereby submits the following preliminary lists of witnesses and exhibits.

**A. Witnesses:**

2. Donald B. Richardson, 8628 Shadow Springs Blvd., Denham Springs, LA 70726;
3. Devon London, 25852 Plantation Ave., Denham Springs, LA 70726;
4. John Poteet, (address unknown); owner of First Choice;
5. Linda Castillo, (address unknown); employee of First Choice;
6. Steve Labauve, (address unknown), employee of NextGear;
7. Amanda Butler, (address unknown), employee of NextGear;

8. Past or present employees, officers, directors, representatives, agents, or other persons acting on the behalf of NextGear, or its predecessor-in-interest, Dealer Services Corporation (“DSC”);
9. Past or present employees, officers, directors, representatives, agents, or other persons acting on the behalf of Louisiana’s First Choice Auto Auction, Inc.;
10. Any disclosed experts in the case who may have fact testimony;
11. Any person deposed in this matter;
12. Any other person(s) having knowledge of facts that would tend to support any of the claims raised by the Plaintiff in this matter;
13. Any witness(es) called, deposed, and/or listed by Defendants;
14. Any witness necessary to authenticate a document;
15. Any witness necessary for impeachment or rebuttal;
16. Witnesses identified through discovery; and
17. All other persons listed on Defendants’ initial disclosures.

**B. Exhibits:**

1. DSC Floorpan Application;
2. DSC Demand Promissory Note and Security Agreement;
3. DSC Term Sheet;
4. DSC Power of Attorney;
5. DSC Individual Personal Guaranty;
6. DSC ACH Authorization and Request;
7. DSC Contract Quick Facts agreement;

8. Letter to Plaintiff from NextGear dated April 18, 2013, regarding “Notification of Private Disposition of Collateral”;
9. Emails between employees of NextGear and First Choice dated April 22, 2013, regarding the sale of the vehicles seized by FirstChoice on behalf of NextGear;
10. Titles and related documents to vehicles purchased by Plaintiff utilizing floorplan financing from NextGear;
11. Plaintiff’s inventory records for vehicles seized by First Choice on behalf of NextGear;
12. Receipts for payment of fees and other amounts by Plaintiff to NextGear for use of its floorplan financing;
13. DSC Dealer Invoice Statements transmitted to Plaintiff;
14. Plaintiff’s banking records identifying payments made to NextGear;
15. Additional documents included with the DSC Contract Packet;
16. Plaintiff’s accounting records reflecting payments made to NextGear;
17. Any and all documents produced by any party in this action;
18. All documents produced pursuant to any subpoena *duces tecum* issued to nonparties by any party;
19. All exhibits to any filings in the record of this action;
20. All exhibits listed or introduced by any other party in this action;
21. All video recordings and transcripts of depositions taken in connection with this action and any exhibits to any deposition;

22. Any report and any supplemental or amended reports prepared by any expert witnesses in this case;
23. All documents relied on by any expert witness in this case, including but not limited to those attached to their expert witness reports;
24. All written discovery responses;
25. Any other document(s) that would tend to support any of the claims asserted by the Plaintiff in this matter;
26. Any document(s) necessary for impeachment of any witness;
27. Any document(s) necessary for rebuttal; and
28. Exhibits identified through discovery.

**C. Disclosures of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence:**

1. Plaintiff has not yet identified any expert witnesses.

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Respectfully submitted,

CASSIE FELDER & ASSOCIATES, L.L.C.

/s/ Joshua P. Melder

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on the 1st day of December, 2015, served a copy of the foregoing *Plaintiff's Preliminary Witness and Exhibit List* on all counsel of record via electronic service by the court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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/s/ Joshua P. Melder

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